

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

THE SMITH BARNEY DIVISION OF
CITIGROUP GLOBAL MARKETS INC.
(formerly known as Salomon Smith Barney Inc.),

1:09-cv-255 (NLH) (JS)

Plaintiff,

-against-

ROBERT W. HOEY and
JANNEY MONTGOMERY SCOTT LLC,

Defendants.

ORDER

AND NOW, this 22nd day of January, 2009, upon consideration of Plaintiff's Complaint and Motion, the submission of record, and oral argument from all parties, and having determined that:

1. Under Rule 13804 of FINRA Dispute Resolution, Plaintiff ("Smith Barney") has the right to seek interim injunctive relief from this Court pending an arbitration hearing before a panel of duly appointed arbitrators; and
2. Smith Barney has established the elements required for the entry of certain of the temporary restraints sought by Plaintiff as set forth herein.

IT IS HEREBY ORDERED that, pending further order of this Court or of a panel of duly appointed arbitrators, Hoey, along with his agents, employees and representatives, and all those in active concert or participation with Hoey and/or his agents, employees and representatives, is enjoined from soliciting or inducing any Smith Barney employee to resign from any Smith Barney branch located within 100 miles of the Cherry Hill, New Jersey office of Janney Montgomery Scott LLC; and it is further

ORDERED that Plaintiff shall post a bond of \$25,000 with the Court on or before January 23, 2009 and shall be allowed to act as its own surety for such bond; and it is further

ORDERED that all parties may file additional papers, including affidavits, in connection with Plaintiff's application by 5:00 p.m. on January 22, 2009; and it is further

ORDERED that the Court shall hear additional arguments from the parties at 11:00 a.m. on January 23, 2009.



Noel L. Hillman, U.S.D.J.

At Camden, NJ